

REMARKS

Claims 1-17 are pending in this application, claims 4-17 are withdrawn from consideration. By this Amendment, Applicant amends claim 1 to correct informalities. No new matter is added

Entry of the amendment is proper under 37 CFR §1.116 since the amendment satisfies a requirement of form asserted in the previous Office Action. Furthermore, the amendment (a) places the application in condition for allowance for at least the reasons discussed herein; (b) does not raise any new issue requiring further search and/or consideration; (c) does not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) places the application in better form for appeal, should an appeal be necessary. The amendment is necessary and was not earlier presented because it is made in response to a requirement of form raised in the final rejection. Thus, Applicants respectfully request entry of the amendment.

Applicant appreciates the courtesies shown to Applicant's representative by Examiner Ho in the December 13 personal interview. Applicant incorporates a separate record of the substance of the interview into the following remarks.

The Office Action formally asserts the September 2 telephone Election of Species Requirement. Applicant confirms provisional election of Species 1 corresponding to Fig. 4. Claims 1-3 read on the elected species and claim 1 is generic to all species.

The Office Action objects to claim 1 for informality. By this Amendment, Applicant amends claim 1 as suggested by the Office Action to correct the informality. Applicant respectfully requests withdrawal of the objection.

The Office Action rejects claims 1-3 under 35 U.S.C. §103(a) over U.S. Patent 5,841,126 to Fossum et al. (hereinafter "Fossum"). Applicant respectfully traverses the rejection.

Fossum does not disclose, teach, or suggest “the electronic signal provided by the sensor and controlled by the controller so that the electronic signal is either stored in a first capacitor, or is stored in a second capacitor,” as recited in claim 1. The Office Action alleges that the electronic signal of Fossum may be stored in either a first capacitor 114 or a second capacitor 118. However, as discussed during the personal interview, according to Fossum the signal charge is only stored in capacitor 118 (col. 3, lines 13-21). Capacitor 114 stores a separate electronic signal representing background noise (col. 3, lines 5-12). Thus, “the signal that represents an image” is only stored in a single capacitor and there is no ability to store it in a second capacitor. Such is the case if the signal charge of Fossum is considered equivalent to Applicant’s claimed signal because the signal charge may only be stored in capacitor 118 in Fossum (col. 3, lines 13-21). Similarly, if the initial baseline charge of Fossum is considered equivalent to Applicant’s claimed signal, the initial baseline charge may only be stored in capacitor 114 in Fossum (col. 3, lines 5-12).

Fossum does not disclose the possibility of storing either of the initial baseline charge or signal charge in a second capacitor. Accordingly, Fossum does not disclose, teach, or suggest “the electronic signal provided by the sensor and controlled by the controller so that the electronic signal is either stored in a first capacitor, or is stored in a second capacitor,” as recited in claim 1. Thus, claim 1 is patentable over Fossum.

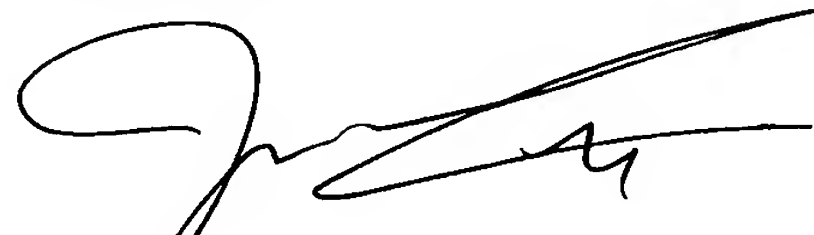
Further, Applicants respectfully submit that claims 2 and 3 are patentable for at least the reason that claim 1 is patentable, as well as for the additional features they recite. Applicants respectfully request withdrawal of the rejection.

Finally, because claim 1 is generic to all species identified in the Election of Species requirement, Applicant respectfully requests that withdrawn claims 4-17 are rejoined and allowed in accordance with MPEP §809.02(c)(B)(1).

In view of at least the foregoing, Applicant respectfully submits that this application is in condition for allowance. Applicant earnestly solicits favorable reconsideration and prompt allowance of claims 1-17.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, Applicant invites the Examiner to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Jesse O. Collier
Registration No. 53,839

JAO:JOC/tea

Date: December 14, 2004

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--